

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 21 and 29 through 40 are pending in this application. Claims 21 and 29 through 40 were rejected in the Office Action, which was also an Examiner's Reply to applicants' Appeal Brief. Applicants wish to reopen prosecution and respond to the Office Action in accordance with 37 CFR 41.39(b)(1).

SECTION 102 ISSUES

In the Office Action, at paragraph 6, claims 21, 29 through 34, and 38 through 40 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Dao, et al.*, U.S. Patent No. 4,923,223 (hereinafter *Dao*). Applicants respectfully traverse.

Applicants have amended claim 21 to now read in pertinent part "said processor to execute an instruction that updates microcode by changing a value of at least one bit in at least one of said plurality of machine specific registers". Applicants therefore submit that the rejection of claim 21 under *Dao*, as discussed in paragraph 8 of the Office Action, is now moot. Applicants submit that *Dao* discloses actual microcode stored in a ROM 3000 external to a processor 50. *Dao* does not disclose any updating of any microcode by the execution of any instructions. Therefore applicants submit that newly amended claim 21 is patentable over the *Dao* reference.

Applicants have amended claim 29 to now read in pertinent part "storing an instruction that, when executed on a processor, updates microcode." Applicants therefore submit that the rejection of claim 29 under *Dao*, as discussed in paragraph 9 of the Office Action, is now moot. Applicants submit that *Dao* discloses actual microcode stored in a ROM 3000 external to a processor 50. *Dao* does not disclose any updating of any microcode by the execution of any instructions. Therefore applicants submit that newly amended claim 21 is patentable over the *Dao* reference.

Applicants have amended claim 38 to now read in pertinent part "updated in response to executing an instruction that, when executed by said processor, updates microcode of said processor." Applicants therefore submit that the rejection of claim 38 under *Dao*, as discussed in paragraph 14 of the Office Action, is now moot. Applicants submit that *Dao* discloses actual microcode stored in a ROM 3000 external to a processor 50. *Dao* does not disclose any updating of any microcode by the execution of any instructions. Therefore applicants submit that newly amended claim 38 is patentable over the *Dao* reference.

Applicants therefore submit that newly amended independent claims 21, 29, and 38 are patentable in light of *Dao*. Since dependent claims 30 through 34 and 39, 40 depend from claims 29 and 38, respectively, and since applicants submit that independent claims 29 and 38 are patentable in light of *Dao*, applicants further submit that all claims 21, 29 through 34, and 38 through 40 are patentable in light of *Dao*.

SECTION 103 ISSUES

In the Office Action, at paragraph 17, claims 35 through 37 stand rejected under 35 U.S.C. §103(a) as being anticipated by *Dao* and *Yamauchi*, U.S Patent number 5,097,445 (hereinafter *Yamauchi*). Applicants respectfully traverse.

Applicants have amended claim 35 to now read in pertinent part "said processor to execute an instruction that updates microcode by changing a value of at least one bit in at least one of said plurality of machine specific registers". Applicants therefore submit that the rejection of claim 35 under *Dao* and *Yamauchi*, as discussed in paragraph 18 of the Office Action, is now moot. Applicants submit that *Dao* discloses actual microcode stored in a ROM 3000 external to a processor 50. *Dao* does not disclose any updating of any microcode by the execution of any instructions. Similarly, applicants submit that *Yamauchi* discloses a processor and external non-volatile memory where the processor may write instructions (not microcode) or data into the memory under controlled circumstances. No microcode is shown in *Yamauchi* being written, and certainly *Yamauchi* does not disclose any updating of any microcode by the execution of any instructions. In fact applicants have downloaded a soft copy of *Yamauchi*, and have searched for the word "microcode". It is *never once* appears anywhere in *Yamauchi*. Therefore applicants submit that newly amended claim 35 is patentable over the *Dao* and *Yamauchi* references.

Applicants therefore submit that newly amended independent claim 35 is patentable in light of *Dao* and *Yamauchi*. Since dependent claims 36 and 37 depend from claim 35, and since applicants submit that independent claim 35 is patentable in light of *Dao* and *Yamauchi*, applicants further submit that claims 35 through 37 are patentable in light of *Dao* and *Yamauchi*.

SUMMARY

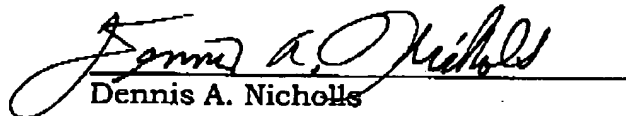
Applicants believe that all pending claims are allowable over the cited art of record. Applicants therefore respectfully request that all pending claims 21 and 29 through 40 be allowed.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact applicant's representative, Dennis A. Nicholls, at (408) 765-5789.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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